

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VLAD LYUBOVNY p/k/a "DJ VLAD,"

Plaintiff,

-against-

WILLIAM LEONARD ROBERTS II p/k/a "RICK ROSS,"

Defendant.
----- X

No. 08-cv-07252 (PGG)

**PLAINTIFF'S REPLY TO
COUNTERCLAIM**

Plaintiff Vlad Lyubovny ("Plaintiff"), by his attorneys, Caplan & Ross, LLP,
replies to Defendant William Leonard Roberts II's ("Defendant") Counterclaim as follows:

1. In response to paragraph 1 of the Counterclaim, Plaintiff admits that Defendant purports to bring this Counterclaim pursuant to Fed. R. Civ. P.13.
2. Paragraph 2 of Counterclaim states legal conclusions to which no response is required.
3. Deny the allegations contained in paragraph 3 of the Counterclaim, and otherwise state that no response is required to the legal conclusions contained therein.
4. Admits the allegations contained in paragraph 4 of the Counterclaim and avers that Defendant has waived any objection to the personal jurisdiction or venue of this Court.
5. Admits the allegations contained in paragraph 5 of the Counterclaim.
6. Admits the allegations contained in paragraph 6 of the Counterclaim.
7. Admits the allegations contained in paragraph 7 of the Counterclaim, and avers that all objections to personal jurisdiction and venue have been waived.
8. Deny the allegations contained in paragraph 8 of the Counterclaim.

9. Deny the allegations contained in paragraph 9 of the Counterclaim.

10. Deny the allegations contained in paragraph 10 of the Counterclaim, except admits that Plaintiff has displayed on his website photographs of Defendant as part of Plaintiff's journalistic endeavors.

11. Deny the allegations contained in paragraph 11 of the Counterclaim.

12. Deny the allegations contained in paragraph 12 of the Counterclaim.

13. Admits the allegations contained in paragraph 13 of the Counterclaim that Defendant and Plaintiff had a face to face encounter on August 10, 2008 at the Hilton Hotel, Houston, Texas.

14. In response to paragraph 14 of the Counterclaim, Plaintiff admits that his counsel possesses the videotape referenced to, and respectfully refers the Court to the videotape for its contents, and otherwise denies the allegations.

15. Deny the allegations contained in paragraph 15 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

16. Deny the allegations contained in paragraph 16 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

17. Admits the allegations contained in paragraph 17 of the Counterclaim that Plaintiff was struck in the face, and respectfully refers the Court to the videotape for its contents, and otherwise denies the allegations.

18. Deny the allegations contained in paragraph 18 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

19. Deny the allegations contained in paragraph 19 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

20. Deny the allegations contained in paragraph 20 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

21. Deny the allegations contained in paragraph 21 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

22. Admits the allegations contained in paragraph 22 of the Counterclaim, and respectfully refers the Court to the videotape for its contents.

23. Admits the allegations contained in paragraph 23 of the Counterclaim.

24. Deny the allegations contained in paragraph 24 of the Counterclaim, except admits that a press release was distributed.

25. Admits the allegations contained in paragraph 25 of the Counterclaim that no such Complaint has been filed to date.

26. Admits the allegations contained in paragraph 26 of the Counterclaim that no such Complaint has been filed to date.

27. Deny the allegations contained in paragraph 27 of the Counterclaim.

28. Deny the allegations contained in paragraph 28 of the Counterclaim.

29. Repeats and realleges each and every response set forth above in paragraphs numbered 1 through 28 with the same force and effect as if fully set forth herein.

30. Admits the allegations contained in paragraph 30 of the Counterclaim.

31. Deny the allegations contained in paragraph 31 of the Counterclaim.

32. Admits the allegations contained in paragraph 32 of the Counterclaim that a press release was distributed following the filing of the Complaint.

33. Deny the allegations contained in paragraph 33 of the Counterclaim.

34. Deny the allegations contained in paragraph 34 of the Counterclaim.

35. Deny the allegations contained in paragraph 35 of the Counterclaim, except admit that individuals known to Defendant, and at the direction and behest of Defendant, assaulted and battered Plaintiff, and respectively refers the Court to the videotape for its contents.

36. Deny the allegations contained in paragraph 36 of the Counterclaim.

37. Deny the allegations contained in paragraph 37 of the Counterclaim, and avers that Plaintiff sustained multiple injuries.

38. Deny the allegations contained in paragraph 38 of the Counterclaim.

39. Admits the allegations contained in paragraph 39 of the Counterclaim that no such action has been commenced to date.

40. Deny the allegations contained in paragraph 40 of the Counterclaim.

41. Deny the allegations contained in paragraph 41 of the Counterclaim.

42. Deny the allegations contained in paragraph 42 of the Counterclaim.

43. Deny the allegations contained in paragraph 43 of the Counterclaim.

44. Deny the allegations contained in paragraph 44 of the Counterclaim.

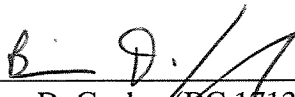
FIRST AFFIRMATIVE DEFENSE

45. The Counterclaim fails to state a claim upon which relief can be granted.

WHEREFORE, Plaintiff respectfully requests that a Judgment be entered dismissing the Counterclaim and awarding Plaintiff his costs and disbursements incurred, and granting Plaintiff such other, further and different relief as the Court deems just and proper.

Dated: New York, New York
June 1, 2009

CAPLAN & ROSS, LLP

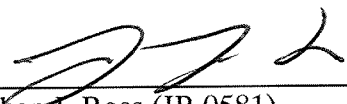
By: _____
Brian D. Caplan (BC 1713)
Jonathan J. Ross (JR 0581)
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New York, New York 10017
(212) 973-2376
Attorneys for Plaintiff DJ Vlad

CERTIFICATE OF SERVICE

I, Jonathan J. Ross, hereby certify that on June 1, 2009, I caused to be served a true and correct copy of the within Plaintiff's Reply to Counterclaim by ECF and First Class Mail upon the following:

Allan Stephen Zamren, Esq.
44 West Flagler Street
Suite 2225
Miami, Florida 33130
Attorney for Defendant

Dated: June 1, 2009
New York, New York



Jonathan J. Ross (JR 0581)